

Board of County Commissioners Agenda Request 48

Date of Meeting: July 27, 2004

Date Submitted: July 21, 2004

To: Honorable Chairman and Members of the Board

From: Parwez Alam, County Administrator
Kim Dressel, Management Services Director

Subject: Approval to Further Pursue Land Exchange for the Lake Jackson Library and the Lake Jackson Community Center Site

Statement of Issue:

This agenda item seeks Board authorization to further proceed with the statutory requirements of Florida Statutes Section 125.37 for the proposed land exchange of approximately 79.15 acres of County-owned land (Wilson Sand Mine on Tower Road) for five (5) commercial lots totaling approximately 11.96 acres (in View Point PUD) for the construction of the Lake Jackson Branch Library and Lake Jackson Community Center under the terms set forth in this agenda item.

Background:

The Board authorized staff to pursue the due diligence investigation of the proposed land exchange during its February 24, 2004 meeting (Attachments #1 and #2). Since that time, staff has ordered and received:

1. Two appraisals of each property at their highest and best use (four appraisals in total).
2. A boundary and topographic survey of the View Point PUD properties.
3. A Phase I environmental audit of the View Point PUD properties, and a limited Phase II environmental audit of the View Point PUD lots #1-3 for possible petroleum contamination (based on the Phase I audit with all results negative).
4. Soil borings of the View Point PUD properties consisting of Ground Penetrating Radar (GPR) exams and a laboratory soil boring for soil classification at the center of each lot (it is noted that this is preliminary data and detailed soil borings are required at each building corner upon siting of the facilities by architects).

Analysis:

Tower Road Property: The subject property consists of approximately 79.15 acres and is located on the south side of Tower Road, three-quarters of a mile west of the Seaboard Coast Line railroad tracks (Parcel Identification Number 25-36-20-853-0000). It is currently zoned R, Rural. However, a Comprehensive Plan Amendment is in the process to reclassify the property as Mixed Use A, which would permit the subsequent rezoning to Residential-3 (R-3). The county received two appraisals of the property, which were based on the hypothetical assumption that the property was rezoned as R-3, which resulted in an average appraised value of \$1,407,500.

Proposed View Point Property: The five commercial lots consist of approximately 11.96 acres located in the View Point Planned Unit Development (PUD), adjacent to the intersection of Perkins Road and U.S. 27 North, and within the same development as the Canopy Oaks Elementary School and View Point Subdivision. The Parcel Identification

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Numbers are 210525-E0010, 210525-E0020, 210525-E0030, 210525-E0040, and 210525-E0050.

Appraised Value:

- Based on two appraisal reports, the average appraised value of the View Point property at the time this agenda item was issued is \$1,026,500 (\$381,000 less than the Tower Road property). The View Point property consists of expansive clay soils. At staff's request, each appraisal report adjusted the appraised value downward by \$213,000 (to consider a projected clay soil removal and replacement cost), resulting in an adjusted average appraised value of \$813,500 (\$594,000 less than the average appraised value of the Tower Road property).
- One of the two appraisals for the View Point property, however, did not consider the value of the off-site stormwater retention facility. Staff has requested an updated appraisal report to consider the valuation aspects of this off-site facility. The appraiser has verbally advised the consideration of the off-site facility could increase the value by 15% to 20% (prior to the adjustment made for the removal of clay soil). Based on this verbal estimate, the average appraised value of the View Point property may be adjusted to approximately \$915,000 +/- (or the County's Tower Road property may be considered approximately \$492,500 +/- more valuable than the View Point property).

Offsite Stormwater Facility: While the property is part of the Perkins Road Closed Basin, and the master stormwater facility was designed to support 8.35 acres of impervious development on these five lots, a valid operating permit and the County's allowed use of the master stormwater facility for the View Point PUD at no cost needs to be documented and ensured prior to exchanging the properties.

Land Use: The owner of the View Point property predicated their offer to exchange land with the County on an amendment being performed to the future land use map of the Comprehensive Plan, which further includes an adjustment of the current Urban Services Area designation, and the redesignation of the land use for the County property to Mixed Use A under the Comprehensive Plan.

A comprehensive plan amendment request was submitted for this change with 2004-2 Cycle amendments. This change has since met with all required local approvals and been submitted to the Department of Community Affairs for its review and approval. Amending the property to Mixed

Use A would permit the property to be subsequently rezoned to Residence-3 (R-3).

Land Exchange: Land exchanges of County-owned property are governed pursuant to Chapter 125.37, Florida Statutes, and Leon County Policy No. 03-01, Approval Authority for the Acquisition, Disposition and Leasing of Real Property. Staff has reviewed this proposed land exchange and concludes that the proposed View Point property is well-suited for locating both the Lake Jackson Library and the Lake Jackson Community Center on this site.

The proposed exchange considers exchange of the properties with the View Point owners paying the County \$200,000 in cash. This proposal approximately splits the difference in average appraised values between the County and owners of View Point. While the Tower Road property is valued greater than the View Point property, there is no assurance that the property will sell for the appraised value and no guarantee of a timeframe within which it would sell. There is also no guarantee that the View Point property owners would be willing to sell their property to the County at the appraised value. As Florida law protects owners as they go through the condemnation process, our experience is that government often pays more for property than the appraised value, and additionally pays expert witness and attorney fees. Further, with an exchange the County will not incur costs for selling the Tower Road property (such as advertising and possible real estate commissions). Should the Board further pursue this exchange, the following conditions would apply:

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Proposed Terms of Exchange

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1. Prior to closing, the owners of the View Point property pay the County \$200,000.
2. Prior to closing, the owners of the View Point property correct all fencing and building encroachments found to exist along the rear of the property.
3. Prior to closing, the owners of the View Point property execute documents necessary to ensure the County permanent access to the PUD's stormwater retention pond at no cost, which shall include sufficient permitted capacity to allow the County to have use of all of the property that it is trading for, and to not be required to use any of its land for the construction of a new stormwater pond upon the property.

Should the Board direct staff to further pursue this land exchange, staff shall publish a notice in the newspaper once a week for two weeks, in accordance with Florida Statutes Section 125.37, before the Board is presented a resolution authorizing the exchange planned for September.

Options:

1. Direct staff to publish the notice as required by Florida Statutes and prepare a resolution for the Board's consideration in an upcoming meeting.
2. Direct staff to prepare the documents necessary to execute the land exchange, including the terms described in the agenda item (Proposed Terms of Exchange), and authorize the County Administrator to execute all necessary documents to execute the land exchange upon Board approval of a resolution authorizing the exchange.
3. Do not direct staff to prepare the documents necessary to execute the land exchange, and do not prepare a resolution or publish a notice as required by Florida Statutes.
4. Board direction.

Recommendation:

Options #1 and #2.

Attachments:

1. February 24, 2004 Agenda Item
2. February 24, 2004 Follow-up

